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8	UNITED STATES DISTRICT COURT		
9	Northern District of California		
10	San Francisco Division		
11	BOARD OF TRUSTEES OF THE CEMENT MASONS HEALTH AND WELFARE	No. C 10-03343 LB	
12	TRUST FUND FOR NORTHERN CALIFORNIA et al.,	ORDER STRIKING DEFENDANT C &	
13	Plaintiffs,	C CONCRETE, INC.'S ANSWER	
14	V.	[Re: ECF Nos. 42, 66, 67, 73]	
15	C & C CONCRETE, INC., et al.,		
16	Defendants.		
17	/		
18	On July 29, 2010, Plaintiffs – the trustees of en		
19	covered employees in the construction industry –		
20	Concrete, Inc. ("C & C Concrete") and Jose R. Herrera, Jr. (collectively, "Defendants"), for failing		
21	to pay employee fringe benefits and make monthly reports in violation of the parties' collective		
22			
23	("ERISA"). See Complaint, ECF No. 1 at 1-2, ¶ 1	.1 Defendants jointly filed an answer to	
24	Plaintiffs' complaint. See Answer, ECF No. 42.		
25	Defendants were represented by attorney Scott	t Woodall. The court subsequently granted Mr.	
26			
27	¹ Citations are to the Electronic Case File	("ECF") with pin cites to the electronic page	
28	number at the top of the document, not the pages at the bottom.		

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Woodall's motion to withdraw. See Order Granting Defendants' Counsel's Motion to Withdraw,		
ECF No. 66 at 1. In the order, the court noted that "corporations may not appear in federal court		
except through counsel," see N.D. Cal. Civil Local Rule 3-9(b), and ordered C & C Concrete to file		
a substitution of counsel by June 29, 2012. <i>Id.</i> at 3. It also ordered Mr. Herrera to file either a		
notice of his intention to proceed pro se or a substitution of counsel by June 29, 2012. Id. Neither C		
& C Concrete nor Mr. Herrera filed anything.		

On July 31, 2012, and at Plaintiffs' request, the court dismissed Mr. Herrera from the case based on his bankruptcy discharge. See Notice of Discharge and Order, ECF No. 70.

The court previously ordered C & C Concrete to appear in court on August 2, 2012, at 11:00 a.m., to show cause why it failed to file a substitution of counsel. Order to Show Cause, ECF No. 67 at 2. It also ordered C & C Concrete to file a written response to the Order to Show Cause by July 26, 2012. *Id.* Plaintiffs asked the court to strike Defendant C & C Concrete's Answer to the First Amended Complaint, thus allowing Plaintiffs to proceed in default against C & C Concrete. See Plaintiffs' Case Management Conference Statement, ECF No. 68 at 3.

C & C Concrete did not file a response or appear in court as ordered on August 2, 2012. See 8/2/2012 Minute Entry, ECF No. 72. The court then ordered C & C Concrete to show cause why its answer should not be stricken and set a hearing on September 20, 2012. Second Order to Show Cause, ECF No. 72. In response, Mr. Herrera filed a letter stating that he cannot find an attorney to represent C & C Concrete in this matter, and that even if he did, he does not have the money to pay for an attorney for C & C Concrete. See Case No. C10-03344 LB, ECF No. 73.

While the court is sympathetic to Mr. Herrara's (and thus his business's) situation, under the court's Civil Local Rules, as the court has already explained, "corporations may not appear in federal court except through counsel." See N.D. Cal. Civil Local Rule 3-9(b). Mr. Herrera's letter does not change this, and the court cannot allow him to appear in court on C & C Concrete's behalf. Thus, the court **STRIKES** C & C Concrete's answer and invites Plaintiffs to seek C & C Concrete's default and to proceed with a motion for default judgment, should Plaintiffs choose to do so.

Pursuant to the order permitting Mr. Woodall's withdrawal and requiring him to continue to serve on Defendants all papers in this case, service of this order on Mr. Woodall shall constitute

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service on C & C Concrete, and Mr. Woodall shall make all reasonable efforts to ensure that C & C		
Concrete receives actual notice of this order as promptly as possible. See Order, ECF No. 66 at 3		
(under circumstances of this case, particularly with regard to C & C Concrete, which cannot appear		
except through counsel, Mr. Woodall must serve on Defendants all papers until a substitution of		
counsel is filed).		

IT IS SO ORDERED.

Dated: September 20, 2012

LAUREL BEELER United States Magistrate Judge

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